

From: [Marks, Dana \(EOIR\)](#)
To: [All of Judges \(EOIR\)](#)
Cc: [Marks, Dana \(EOIR\)](#)
Subject: FW: Latest on the shutdown, fed employee pay
Date: Monday, January 22, 2018 2:24:09 PM

For those of you who may still be in the office, here is the latest from IFPTE, our parent union, on their efforts to assure there is not loss in pay due to the shutdown.

Dana
The Honorable Dana Leigh Marks, President Emeritus
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DISCLAIMER: The author is the President Emeritus of the National Association of Immigration Judges. The views expressed here do not necessarily represent the official position of the United States Department of Justice, the Attorney General, or the Executive Office for Immigration Review. The views represent the author's personal opinions, which were formed after extensive consultation with the membership of NAIJ.

From: Matt Biggs [<mailto:mbiggs@ifpte.org>]
Sent: Monday, January 22, 2018 11:17 AM
To: Matt Biggs <mbiggs@ifpte.org>
Subject: Latest on the shutdown, fed employee pay

To All IFPTE Federal Locals:

Earlier this afternoon, the Senate voted to reopen the government. The specific vote taken was a cloture vote to end the filibuster on the CR, paving the path to Senate approval of the underlying CR today. The House is also expected to pass the revised CR (which keeps the government open through Feb. 8th) later today. The vote to end the filibuster was 81-18.

We are aware that IFPTE represented federal employees showed up for work today, received their furlough notices and were sent home, so there is a loss of pay for our members, and many federal employees overall. That said, we are uncertain right now of exactly how the pay issue will be resolved on the hill, but the Senator sponsoring [the bill](#) and leading the effort to get federal employees paid, Sen. Ben Cardin, is continuing to pursue this legislatively. We are hopeful that everyone will be paid, with the help of our friends, Sen. Cardin, Sen. Schatz, Sen. Van Hollen, and others leading the charge on this.

I want to thank all of those locals who worked remotely with us here in DC by sharing information with us as to the impact this is having on your members, and working the press locally. This was, and

is always helpful as we relay those messages to lawmakers in Congress. Along those lines, I wanted to share the below two news items worked on in Hawaii, and that featured IFPTE Local 121:

- [Hawaii News Now](#) five o'clock news yesterday, with Local 121 President, Jamie Hiranaka, and Hawaii Federal Employees Metal Trades Council VP, Arnold Pang;
- [Honolulu Star Adviser article](#) about the impact of furloughs on federal workers, also quoting Local 121 President, Jamie Hiranaka

As we get more info on the back pay issue we will share it with all of you.

In Solidarity,

Matt



From: Matt Biggs

Sent: Friday, January 19, 2018 1:58 PM

To: Matt Biggs <mbiggs@ifpte.org>

Subject: IFPTE Hill letter on shutdown, OPM furlough guidance

To All IFPTE Federal Locals:

We wanted to share the attached two items with you:

1. IFPTE letter sent this afternoon to all hill lawmakers urging swift passage of legislation ensuring that all federal employees get paid in the event of a shutdown;
2. OPM's provided furlough guidance, with the following highlighted information:
 - Question B5, page 2, addresses employee notification of their status. Since each situation will vary, this is left up to agencies;
 - Question D1, page 6, addresses pay for excepted employees who perform work during a shutdown;
 - Question D3, page 6, addresses pay for employees for hours worked prior to a lapse in appropriations;
 - Question F1, page 8, addresses paid time off (e.g. annual leave, sick leave, etc.) during a shutdown;
 - Questions F2, 2a, 2b and 7 may also be worth reviewing;
 - Question P2 and 2a, page 26, address how employees can receive furlough notices;
 - Question P9 addresses employees on travel during a lapse in appropriations.

The OPM guidance and other relevant information related to a lapse in appropriations and furlough can also be [found here on the OPM website](#).

Please also share the hill letter with your members, as well as your respective Representatives, Senators and hill staff.

In Solidarity,
Matt



From: Matt Biggs
Sent: Friday, January 19, 2018 10:39 AM
To: Matt Biggs <mbiggs@ifpte.org>
Subject: RE: Update on CR, and Fed point paper

To All IFPTE Federal Locals:

We wanted to give you the following update on the situation here on Capitol Hill with respect to the CR:

Since the note we sent out yesterday, the House did end up passing the CR by a vote of 230-197. However, the Senate does not have the necessary 60 votes to overcome a filibuster and ultimately pass the bill. The Senate was scheduled to vote on the bill last night, but given that they don't have necessary votes, the bill was ultimately pulled.

There are two items related to this that I want to flag. First, there was a proposal put forth by Democratic Leader Schumer and other Democrats to do another very short-term CR (could be anywhere from 2-6 days) so that negotiators could come to a final long-term deal. Majority Leader McConnell seemed to push back on that idea last night, but it is a proposal that is still out there. Second, the second tier leadership from both sides (particularly House members Hoyer and McCarthy and Senators Durbin and Cornyn) are negotiating with the White House to come to an agreement on the outstanding issues, most especially the DACA and border security issue that could be a path to getting a CR done. These negotiators from both sides said last night and this morning that those talks are going well, and the people involved in them are serious legislators who legitimately want to reach an agreement, so that is a positive sign.

As I said yesterday, before the President's tweet yesterday, there was a possibility a deal to Feb 16th might get through (even though it was a partisan deal), but events that have occurred since that tweet have led to the current stalemate. At this point, I would recommend that your locals and your members prepare to see the government shutdown.

We fully realize that this is not good news and this creates a stressful situation for you and your members. I want to reiterate though that IFPTE and other unions will work in support of passage of legislation ensuring that everyone gets paid in the event of a shutdown.

As always, feel free to reach out with any questions.

In Solidarity,
Matt



From: Matt Biggs
Sent: Wednesday, January 17, 2018 1:40 PM
To: Matt Biggs <mbiggs@ifpte.org>
Subject: Update on CR, and Fed point paper

To All IFPTE Federal Locals:

Attached here is the 2018 IFPTE federal employees congressional issue brief. Please feel free to share this with your members, and with your congressional lawmakers through email, or through visits for those Locals that may be visiting with their lawmakers throughout the year.

I also want to take this opportunity to give you all a brief update on the status of the CR, as I know it. As you all know, the current CR expires at midnight this Friday the 19th. If another CR is not approved by Congress and signed by the President before Friday at midnight, the government will shut down.

The latest news from the Hill is that there is apparently an agreement from the Republican majority to put forward a bill tomorrow that funds the government through Feb 16th, while also including the suspension of some Affordable Care Act (ACA) related taxes, and an extension of Children's Health Insurance Fund (CHIP) program, among other things. Unlike previous CRs that have passed, this one is not bipartisan. However, Speaker Ryan has indicated that it has enough Republican votes to pass the House (218 is the magic number) when it is taken up tomorrow. In the Senate, and with the inclusion of the CHIP funding extension, the prevailing thought now is that the Senate could sustain a filibuster on the bill with some Democrats supporting it (because of the CHIP funding), and thereby avoiding a shutdown.

Now, I should say, this is the status right now, and these vote counts can certainly change. And, even if a CR passes now, there will be another crisis next month as well. IFPTE has, of course, been advocating all last year for a responsible spending bill that does not cut fed pay and benefits, while properly funding federal agencies, particularly those where IFPTE represents workers. Sadly

however, and not unlike past years, the Congress is quite dysfunctional and has had a difficult time properly doing its most fundamental job – funding the government.

All that said, if this situation changes we will inform you of that. And, in the event there is a shutdown, IFPTE will do what it did during the last shutdown by working to get [legislation passed ensuring that all fed workers get retroactively paid during the time the government was closed](#).

I hope this update proves helpful, and, as always, feel free to reach out with any questions or concerns.

In Solidarity,

Matt



Matthew Biggs

Legislative & Political Director/Assistant to the President

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